

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TERRENCE BOWSER,

Petitioner,

v.

JERRY HOWELL, et al.,

Respondents.

Case No. 2:20-cv-01301-RFB-BNW

ORDER

This is a habeas corpus action under 28 U.S.C. § 2254. Currently before the court are two motions: Petitioner's motion for a copy of the Local Rules (ECF No. 19), and petitioner's motion for enlargement of time (ECF No. 20). The court grants both.

In the motion for a copy of the Local Rules, petitioner states that his prison unit went onto a COVID-19 quarantine on November 14. He also states that he has no access to the prison's law library. Consequently, he lacks information, "[S]uch as how many pages the Reply [to the answer] can be and if necessary, how do I request to exceed that amount; how it must be formatted, such as including a statement of the case, table of authorities, etc. as well as if I need to attach any exhibits to it in support of my argument, cite any caselaws or do anything else." ECF No. 19 at 1. Petitioner also states that once he obtains the Local Rules, he would need to know where to find the information. Id. Respondents oppose the motion first because the information that petitioner asks the court order respondents give to him amounts to legal advice. ECF No. 21 at 2-3. Second, respondents argue that petitioner has not demonstrated that he has been unable to otherwise obtain this information. ECF No. 21 at 3-4. In support, respondents present the declaration of the prison's law library supervisor. ECF No. 22. She states that petitioner can write requests for legal materials. She also notes that due to quarantine disruptions, including her own quarantine from November 16 through November 30, 2020, requests are not processed as quickly as they otherwise would be.

1 The Court finds that petitioner is entitled to the Local Rules and that the provision of the
2 Rules is not legal advice. Southern Desert Correctional Center, where petitioner is located, is
3 directed give petitioner a paper copy of the Rules and respondents are to confirm this within 2
4 weeks. The Court also informs petitioner that a reply to an answer to a habeas corpus petition has
5 no page limit. LSR 3-2(b). The court has formatting requirements, see LR IA 10-1 and LR IA 10-
6 2, and petitioner can look at either this order or respondents' responses for a general idea.

7 Respondents do not oppose petitioner's request for additional time to file a reply to the
8 answer. ECF No. 21. The court will grant that request.

9 IT THEREFORE IS ORDERED that petitioner's motion for a copy of the Local Rules (ECF
10 No. 19) is **GRANTED**. Southern Desert Correctional Center is directed give petitioner a paper
11 copy of the Rules and respondents are to confirm this within 2 weeks.

12 IT FURTHER IS ORDERED that petitioner's motion for enlargement of time (ECF No.
13 20) is **GRANTED**, nunc pro tunc. Petitioner will have up to and including February 1, 2021, to
14 file a reply to the answer (ECF No. 9).

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16 DATED: February 5, 2021.

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20 RICHARD F. MOULWARE, II
21 United States District Judge
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